

Application No.: 10/776390

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REMARKS

The Office Action dated July 13, 2006 has been received and reviewed. Claim 1 has been amended, and claim 28 has been added. The pending claims are claims 1-3 and 5-28. Reconsideration and withdrawal of the rejections are respectfully requested.

Claim Amendment

Claim 1 has been amended by deleting the element "wherein the light source module comprises an emitting surface and a substantially optically clear dome disposed over the emitting surface." Applicant notes that this element had been added to claim 1 in the Amendment and Response dated May 9, 2006. In the May 9 Amendment and Response, Applicant amended claim 1 to substantially include all of the elements of original claim 4. This amendment was made in response to the objection to claim 4 in the Office Action dated March 2, 2006, where claim 4 had been found to be allowable if rewritten in independent form. However, the pending Office Action appears to have withdrawn the objected to status of claim 4 by rejecting amended claim 1.

Claim 28 has been added to recite substantially all of the elements of original claim 4. No new matter has been added.

The 35 U.S.C. § 102(b) Rejections

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Bastien (U.S. Patent No. 2,587,956).

Applicant traverses this rejection and submits that claim 1 is novel over Bastien because such reference does not teach each and every element of claim 1. For a claim to be anticipated under 35 U.S.C. § 102(b), each and every element of the claim must be found in a single prior art reference. See M.P.E.P. § 2131.

Claim 1 recites an optical system that includes an image-forming device and an illumination system configured and disposed for illuminating the image-forming device. In contrast to claim 1, Bastien describes light projection devices designed and adapted for use in association with microscopical instruments. See Bastien, column 1, lines 1-4. However, Bastien does not teach an optical system that includes an image-forming device as is recited, e.g., in claim 1 of the present

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application. Because Bastien does not teach each and every element of claim 1, such claim is novel over Bastien.

Claim 1 as amended is also novel over Gehrke (U.S. Patent No. 1,932,817), which was relied upon in the Office Action dated March 2, 2006, to reject claim 1 under 35 U.S.C. § 102(b). Gehrke describes a condenser for film-projectors. However, Gehrke et al. does not teach an optical system that includes an image-forming device. Because Gehrke does not teach all of the elements of claim 1, such claim is novel over Gehrke.

For at least the above reasons, Applicant submits that claim 1 is novel over both Bastien and Gehrke. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

Claims 11, 14-15, and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ryan (U.S. Patent No. 1,428,662).

Applicant traverses this rejection and submits that claims 11, 14-15, and 17 are novel over Ryan because such reference does not teach each and every element of claims 11, 14-15, and 17.

Claims 11 and 15 each recite an illumination system that includes a plurality of light source modules and a system of optical elements including a plurality of pairs of meniscus lenses. Each pair of meniscus lenses includes a first meniscus lens and a second meniscus lens. Claims 11 and 15 further recite that all first meniscus lenses have substantially the same shape and size and all second meniscus lenses have substantially the same shape and size.

In contrast to claims 11 and 15, Ryan describes a vehicle headlight that includes lamps 11 and 12 (i.e., the alleged plurality of light source modules). A pair of lenses 15, 16 are mounted near lamp 11, and another pair of lenses 18, 19 are mounted near lamp 12. The Office Action alleges that lenses 15 and 18 of Ryan are equivalent to the first meniscus lenses and lenses 16 and 19 are equivalent to the second meniscus lenses of claims 11 and 15 of the present application. Applicant traverses this allegation.

Lens 16 is used to concentrate the light received from lens 15 and project a long and relatively narrow beam. See Ryan, lines 62-68. Lens 19 is used to receive light from lens 18 and disperses it in front of the headlight. *Id.* at lines 82-84. However, unlike lens 16, lens 19 "is not designed to project a long, narrow beam of light but a wider beam and nearer to the headlight, and the lens 19 is positioned and formed for that purpose." *Id.* at lines 85-89. In other words, Ryan

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does not teach that alleged second meniscus lens 19 is the same shape and size as second meniscus lens 16. Instead, Ryan teaches that lens 19 is positioned and formed to provide a wider beam than does lens 16. Because Ryan does not teach all of the elements of claims 11 and 15, such claims are novel over Ryan.

Claims 14 and 17, which depend either from independent claim 11 or independent claim 15, are novel over Ryan for the same reasons as presented above for claims 11 and 15. In addition, claims 14 and 17 each recite additional elements that further support patentability when combined with either claim 11 or claim 15.

For at least the above reasons, Applicant submits that claims 11, 14-15, and 17 are novel over Ryan. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

The 35 U.S.C. § 103(a) Rejections

Claims 1 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gehrke in view of Lammers et al. (U.S. Patent No. 6,478,453).

Applicant traverses this rejection and submit that claims 1 and 3 are not *prima facie* obvious in view of the combination of Gehrke and Lammers et al. because such combination does not teach all of the elements of claims 1 and 3. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143.

Claim 1 recites an optical system that includes an image-forming device and an illumination system configured and disposed for illuminating the image-forming device. As stated above regarding the 35 U.S.C. § 102(b) rejection of claim 1, Gehrke does not teach all of the elements of claim 1. The addition of Lammers et al. does nothing to cure this deficiency already present in Gehrke. Because the combination of Gehrke and Lammers et al. does not teach all of the elements of claim 1, such claim is patentable over Gehrke and Lammers et al.

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Claim 3, which depends from independent claim 1, is patentable over the cited references for the same reasons as presented above for claim 1. In addition, claim 3 recites additional elements that further support patentability when combined with claim 1.

For at least the above reasons, Applicant submits that claims 1 and 3 are patentable over the cited references. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gehrke and Lammers et al., and further in view of Wolfe (U.S. Patent No. 1,900,966). Applicant traverses this rejection and submits that claim 2 is not *prima facie* obvious in view of the cited references because such references do not teach all of the elements of claim 2.

Claim 2 depends from claim 1 and, therefore, includes all of the elements of claim 1. As stated above regarding the 35 U.S.C. § 102(b) rejection of claim 1, Gehrke does not teach all of the elements of claim 1. The addition of Lammers et al. and Wolfe does nothing to cure the deficiencies already present in Gehrke. In addition, claim 2 recites additional elements that further support patentability when combined with claim 1.

For at least the above reasons, Applicant submits that claim 2 is patentable over the cited references. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryan in view of Wolfe. Applicant traverses this rejection and submits that claim 12 is not *prima facie* obvious in view of the cited references because such references do not teach all of the elements of claim 12.

Claim 12 depends from independent claim 11 and, therefore, includes all of the elements of claim 11. As stated above regarding the 35 U.S.C. § 102(b) rejection of claim 11, Ryan does not teach all of the elements of claim 11. The addition of Wolfe does nothing to cure the deficiencies already present in Ryan. In addition, claim 12 recites additional elements that further support patentability when combined with claim 11.

For at least the above reasons, Applicant submits that claim 12 is patentable over the cited references. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

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Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryan. Applicant traverses this rejection and submits that claim 13 is not *prima facie* obvious in view of Ryan because Ryan does not teach all of the elements of claim 13.

Claim 13 depends from independent claim 11 and, therefore, includes all of the elements of claim 11. As stated above regarding the 35 U.S.C. § 103(a) rejection of claim 11, Ryan does not teach all of the elements of claim 11. In addition, claim 13 recites additional elements that further support patentability when combined with claim 11.

For at least the above reasons, Applicant submits that claim 13 is patentable over the cited references. Reconsideration and withdrawal of this rejection are, therefore, respectfully requested.

Allowable Subject Matter

Claims 5-6, 9-10, 16, and 18-27 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the elements of the base claim and any intervening claims. However, Applicant has not rewritten claims 5-6, 9-10, 16, and 18-27 at this time as it is believed that the independent claims from which claims 5-6, 9-10, 16, and 18-27 depend are already in allowable form.

Summary

It is respectfully submitted that the pending claims are in condition for allowance. Reconsideration and withdrawal of all rejections are respectfully requested. The Examiner is invited to contact Applicant's Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

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Date

By:

J. R. Pralle
Jay R. Pralle, Reg. No.: 52,131
Telephone No.: 651-733-6750

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833